

28(New). An air mattress as set forth in claim 27 wherein each seal portion constitutes a single discontinuous seal.

29(New). An air mattress as set forth in claim 28 wherein each discontinuous seal is spaced from each of the other discontinuous seals.

Remarks

Amendments to the Claims

Upon entry of the foregoing amendment, claims 1, 3-24 and 26-29 are pending in the application. Of the pending claims, claims 1, 24 and 26-27 are independent. Amended claim 1 corresponds to originally filed claim 2 (amended claim 1 is originally filed claim 2 rewritten in independent form). Amended claim 24 corresponds to originally filed claim 25 (amended claim 24 is originally filed claim 25 rewritten in independent form). Claim 26 has not been amended.

Claim 3 was amended to remove the unnecessary word "said". In claim 7 the word "or" has been changed to "and" to remove any potential confusion.

Original claims 2 (amended claim 1), 25 (amended claim 24) and 26 were rejected as being unpatentable over Boyd in view of Saltness. This rejection is respectfully traversed. Boyd discloses a waterbed mattress including a vinyl watertight water bladder covered by an inflatable air cushion (see lines 1-2 of the abstract and lines 5-7 of column 1). The inflatable air cushion provides at least two functions which are important to the invention of Boyd. As can be seen in Figure 8, the air cushion forms an insulating layer 55 which greatly reduces the heat lost by the user's

body due to conduction to the water in the water bladder (column 3, lines 56-62). The inflatable air cushion can also be used to adjust the firmness of the mattress without spilling any water (column 1, lines 44-48). Adding or removing air from the inflatable air cushion allows a user to adjust the feel of the mattress.

The examiner has stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mattress disclosed by Boyd to have a fluid communication channel, as taught by Saltness, to provide a means for maintaining a desired shape upon inflation. It is respectfully submitted that such a modification would destroy the intent and purpose of the invention of Boyd. Specifically, the inclusion of a fluid communication channel between the air cushion and the water bladder would negate the benefits identified above. The suggested modification would allow water to flow from the water bladder into the air cushion where the water would cause a user to suffer heat loss by conduction to the water. The suggested modification would also defeat the purpose of easily adjusting the firmness and comfort of the mattress.

As the proposed modification of Boyd in view of Saltness destroys the intended function of Boyd, the examiner has failed to establish a prima facie case of obviousness. For this reason, applicant respectfully requests that the examiner withdraw the rejection. As the rejection of claims 2 (amended and currently pending claim 1), 25 (amended and currently pending claim 24) and 26 have been traversed all independent claims should be allowed. The dependent claims 3-23 should also be allowed at least for the reasons stated above.

Saltness also fails to establish a prima facie case of obviousness when considered alone. Saltness does not disclose separate top and bottom compartments having distinct layers. There is also no additional seal connecting the first inflatable compartment to the second inflatable compartment.

New claims 27-29 includes the structure of amended claim 24 without the additional seal but including the discontinuities in the second compartment. These claims should also be allowed for at least the same reasons stated above.

Conclusion

Accordingly, Applicants respectfully submit that independent claims 1, 24 and 26-27 are allowable over the prior art of record. For similar reasons, Applicants urge that the dependent claims are also allowable.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Deal', written over a horizontal line.

David R. Deal, Reg. #48204
Thompson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101
Telephone: 314-552-6531
Fax: 314-552-7531

Marked-up set of Claims

1(Twice Amended). An air mattress comprising:

a first inflatable compartment having a length and width, when inflated, sufficient to support a human body, said compartment having a top, a bottom, and sides, said first compartment being composed of at least two layers of vinyl, one layer of vinyl forming the top of the compartment and the second forming the bottom; and

a second inflatable compartment disposed on the top of the first inflatable compartment and secured thereto at least along a portion of the first inflatable compartment at a point spaced inwardly from the sides of said first inflatable compartment, said second compartment extending generally the length and width of the top of the first compartment, said second compartment being of a size, when inflated, sufficient to support a human body;

said second compartment being composed of at least two layers of vinyl distinct from the two layers of vinyl forming the first compartment; said second compartment being inflatable to give the top of the air mattress a soft, pillow-like appearance and feel,

wherein said first compartment and said second compartment are secured together adjacent a fluid communication channel connecting the first and second compartments.

3(Amended). The air mattress as set forth in claim 1 wherein the bottom layer of the [said]second compartment is secured to the top of the upper layer of the first compartment.

7(Amended). The air mattress as set forth in claim 6 wherein the ribs extend transversely across the second compartment, said second compartment having channels for flow of air around [or]and through the ribs.

24(Amended). An air mattress comprising:

- a first inflatable compartment having sides with a length and a width and defining a periphery;
- a second inflatable compartment extending generally the length and width of the periphery; and
- a perimeter seal connecting said first inflatable compartment to said second inflatable compartment, wherein said perimeter seal is spaced inwardly from the periphery,

at least one additional seal connecting said first inflatable compartment to said second inflatable compartment,

wherein said additional seal includes a fluid communication channel between said first inflatable compartment and said second inflatable compartment.